

REMARKS

Response to Claim Rejections – 35 USC §103

MPEP §2143.03 All Claim Limitations Must Be Considered

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The Office Action dated August 29, 2007 has been carefully considered. Claims 1, 5 and 11 are active in this application. Further examination and reconsideration of the rejection of claims 1, 5 and 11 are respectfully requested.

The rejection of active claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over Parker et al. in view of Rainwater is respectfully traversed. The rejection of active claims 1, 5 and 11 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Rainwater is respectfully traversed. However, in order to further define applicants' invention, claims 1, 5 and 11 have been amended as presented herein.

As amended, claim 1 recites "wherein the electrical conductor comprises a center conductor and an outer conductor, and the outer conductor is fixed to said shaft." Parker et al. does not teach an outer conductor fixed to the shaft, and in fact teaches away from fixing the outer conductor to the shaft by disposing a torque tube 46 between the outer conductor 52 and the shaft 12 as shown in Figure 3.

Similarly, Anderson et al. teaches away from an outer conductor being fixed to the shaft. Anderson et al. discloses in column 2, lines 26-30, that "[t]he outer conducting sleeve 25 of the coaxial conductor 24 is spaced sufficiently close to the wall of the motor shaft 14 so that the shaft and the conductor sleeve are capacitively coupled at the frequencies for which the antenna system 10 is employed..." For the conductor and the shaft to be "capacitively coupled" means that there is a gap between them.

Nut 82 of Rainwater fixes the position of coaxial feed line 70 so that "nut 82 is tightened against a surface of pedestal 40" (col 3: 53) which teaches away from modifying Rainwater to provide a rotating shaft since a rotating shaft would have its movement impeded by a locked nut. Additionally, Rainwater teaches away from using a shaft by disclosing the use of a spherically shaped probe or ball 80. Hence, Rainwater adds nothing to the combination that would allow it to suggest or make obvious the invention as now recited in claim 1. Claims 5 and 11 are dependent from claim 1 and merely recite limitations in addition thereto.

The rejection of active claims 1 and 5 under 35 U.S.C. 103(a) as being unpatentable over Parker et al. in view of Rainwater is respectfully traversed. The rejection of active claims 1, 5 and 11 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Rainwater is respectfully traversed. Neither these references taken singly nor in combination teach, suggest or make obvious "the electrical conductor comprises a center conductor and an outer conductor, and the outer conductor is fixed to said shaft" as recited in independent claim 1 and in claims 5 and 11 based on their dependency on independent claim 1.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Applicant hereby requests a three-month extension of time in which to file this Amendment. Please charge Deposit Account No. 17-0026 for any fees associated with the extension of time.

Attorney Docket No. 030296
Customer No. 23,696

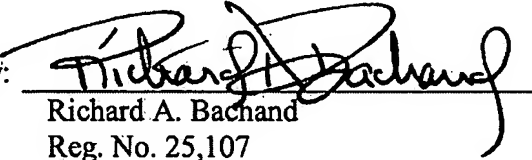
6

Applicant does not believe any other fees are due regarding this amendment. If any other fees are required, however, please charge Deposit Account No. 17-0026. Applicant encourages the Examiner to telephone the Applicant's attorney should any issues remain.

Respectfully submitted,

Dated: February 29, 2008

By:


Richard A. Bachand
Reg. No. 25,107

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502